

## Fitch, Even, Tabin & Flannery

## Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

DEC 0 2 2004

## FACSIMILE

Name: U.S. Patent & Trademark Office

FAX: (703) 872-9306

Application No.: 10/039,311

Filing Date: October 26, 2001 Inventor: CLARK et al.

Art Unit: 2881

Examiner: Vanore, David A.

From: Steven M. Freeland, Reg. No. 42,555

Today's Date: December 2, 2004

Attorney Docket No.: 70625/5102

Pages: 9 pages (including this 1-page coversheet)

Dispatched by: Leticia M. Hillary

## Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Fee Transmittal, in duplicate (2 pgs.); Amendment "A" (4 pgs.); Terminal Disclaimer (1 pg.); Fax coversheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250 San Diego, California 92121-7701 Telephone 858-552-1311 Fax 858-552-0095 70625fxc.ams **Transmittal** 

PTO/SB/21 (09-04) for use through 07/31/2006. OMB 0651-0031

11.8	Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCI
At a least a Demonstrate Deduction Age of 1005, we want you wanted to tes	pond to a collection of information unless it displays a valid OMB control number
Chart me raperwork Kenteren ver pr 1995, no person ale inquires to res	John & Leanneston of The Land

10/039,311

October 26, 2001

Form (to be used for all correspondence after initial filing)					First Named Inventor		Clark et al.				
				<b>3</b> )		Art Unit		2881			
					Examiner Name		Vanore, David A.				
Total Number of Pages in This Submission				9	Attorney Do	ocket Number	7062	25/5102			
				ENCI	USII	DES (CH	ECK ALL TH	AT APPI VI			
×	Fee Transmit	ttal F	חקום		ENCLOSURES (CHECK ALL THAT APPLY)  Drawing(s)			2.7.2.7		After Allowance Communication to Technology Center (TC)	
	Fee Attached			Licensing-related Papers					Appeals Communication to Board of Appeals and Interferences		
$\boxtimes$	Amendment/	Reply	,	Pelition .				Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)			
	After Final			Petition to Convert to a Provisional Application			ovisional	Proprietary Information			
	Affidavits/declaration(s)			Power of Attorney, Revocation Change of Correspondence Address				Status Letter			
	Extension of Time Request			⊠	Terminal Disclaimer				Ofther Enclosure(s) (please identify below):		
	Express Abandonment Request			Request for Refund				Facsimile Transmission Coversheet			
	Information Disclosure Statement			CD. Number of CD(s) Landscape Table on CD							
	Certified Copy of Priority Document(s) Remarks				ırks:			•	-		
Response to Missing Parts/Incomplete Application											
Response to Missing Parts Under 37 CFR 1.52 or 1.53				Customer Number: 22242							
		-	SIG	NATUR	E OF	APPLIC/	ANT, ATTOR	NEY, OR AGE	NT		
Firm	namė	Fitte	th, Even, Tabin & Flann	егу							
Signa	iture	/	bem 2				~			•	
Printe	d Name	Ste	ven M. Freeland					a_ p . A		,	
Date December 2, 2004				Reg No. 42,555							
CERTIFICATE OF TRANSMISSION/MAILING											
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.											
Турес	or printed nar	ne	Steven M. Freeland								
Signature				7				7	Date	December 2, 2004	

Application Number

Filing Date

This collection of information is required by 37 CFR 1.3. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S. C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the including lass. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patont and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DON NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandra, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB17 (11-04)

Approved for use through 07/31/2000; QAG 0851-003
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERC
As a remain of the second belong to the control of

		Complete If Known			
FEE TRANSMITTAL	Application Number	10/039,311			
	Filing Date	October 26, 2001			
FOR FY 2005	First Named Inventor	Clark et al.			
Express Mail Label No.	Examiner Name	Vanore, David A.			
Applicant Claims small entity status. See 37 CFR 1.27	Art Unit	2881			
TOTAL AMOUNT OF PAYMENT (\$)110.00	Attorney Docket No.	70625/5102			

METHOD OF PAYMENT (Check all that apply)				FEE CALCULATION (continued)				
Check Credit Card Money Order			rder	2. EXTRA CLAIM FEE				Small Entity
☐ Gleck _	Totali Care	☐ mone, ○	100.	Fee Description		Fen(S)	Fee (S)	
□ Deposit Account     □ None			Each claim over 20			18 88	9 44	
			_,	Each independent claim			300	150
Deposit Account	06-11	35		Multiple dependent claims			300	100
Number Deposit			٦ ١	For Reissues, each claim over 20 a more than the original patent			18	9
Account	Fitch, Even, Tab	n & Flannery		For Reissues, each indep	88	44		
Name				more than in the original patent				
The Director is	authorized to	: (check all tha	t apply)	Total Claims 1	Extra Cl	alms	Fee (\$)	Fee Paid (\$)
Charge Fe	e(s) indicated be	low		20 or HP =	>	(	=	
Charge Fe	e(s) indicated be	low, except for t	the filling fee	HP = nighest number of total cla				
		s) or underpayme		Indep. Claims	Extra CI		Fee (\$)	Fee Paid (\$)
under 37 C	FR 1.15 and 1.1		THE OF TECES	HP = highest number of indepen				3
Credit any	overpayments			Multiple Dependent C	laims		Fee (\$)	Fee Paid (\$)
to the above-iden	nified deposit ac	count.		<u> </u>				
						Subt	otal (2)	S
WARNING: Infor				3. OTHER FEES				<u> </u>
card information a			. 10130 0.02	Fee Description	1	ee(\$)	Small Entity	Fea Paid(\$)
	FEE CALC	ULATION		1-month extension of time		110	55	
1. BASIC FILIN	G FEE			2-month extension of time		430	215	
		Small Entity	Fee Paid (\$)	3-month extension of time		980	490	
Fee Description	Fee (\$)	Fee (\$)		4-month extension of time		1,530	765	
Utility filing fee	\$790	\$395		5-month extension of time		2,080	1,040	
Quary many 155	Ψ, σσ	4000		Information disclosure stmt.	fee	160	180	
Design filing fee	\$350	\$170		37 CFR 1.17(q) processing f	ee	50	50	
Plant filing fee	\$550	\$275		Non-English specification		130	130	
Reissue filing fee	s \$790	\$395		Notice of Appeal		340	170	
,		*		Filing a brief in support of appa	eal	340	170	
Provisional filing	fee \$160	\$ 80		Request for onal hearing		300	150	
SUBTOTAL (1) (\$)				Other: Terminal Disclaimer F	-ae			110.00
300101AE(1) (#)							ubtotal (3)	<u>\$110.00</u>
SUBMITTED BY								
Signature	to m	, 7-	0	Registration No. 42,655	5	Teleph	one (858)	552-1311
Name (Print/Type)	Steven M. Fre	eland			Date	De	cember 2, 2	2004

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USFTO to process) as application. Confidendally is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USFTO. Time will vary depending upon the individual case. Any commental on the amount of time you require to complete this form another suggestions for reducing this hundres, should be easily to the Celler Information Officer, U.S. Factor and Trademark Office, U.S. Department of Commenter, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND PEES OR COMPLETED DORMS TO THIS ADDRESS. SENT TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-900-PTO-9199 (1-800-786-9199) and select option Z.